

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.GIRI**

**FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929**

**WP(C).No. 34617 of 2007(U)**  
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**PETITIONER:**  
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**K.RADHAKRISHNAN, ASSISTANT FIELD OFFICER,  
ICDP SUB CENTRE, AMBALAVAYAL,  
WAYANAD DISTRICT. RESIDING AT KUNNATH HOUSE,  
P.O.MEENANGADI, WAYANAD-673591.**

**BY ADV. SRI.MILLU DANDAPANI**

**RESPONDENTS:**  
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- 1. THE DIRECTOR, DIRECTORATE OF ANIMAL  
HUSBANDRY, ANIMAL HUSBANDRY DEPARTMENT,  
VIKAS BHAVAN, TRIVANDRUM-695010.**
- 2. THE DISTRICT OFFICER,  
ANIMAL HUSBANDRY DEPARTMENT, KALPETTA,  
WAYANAD DISTRICT.**
- 3. K.SAVITHRI, ASSISTANT FIELD OFFICER,  
VETERINARY DISPENSARY, THOMATTUCHAL,  
AMBALAWAYAL, WAYANAD DISTRICT.**

**BY ADV. SRI.M.P.ASHOK KUMAR  
BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 07/12/2007, ALONG WITH WPC.35853/2007 THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C) NO.34617/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE JUDGMENT DT. 13.11.06 OF THIS HON'BLE COURT IN WPC. 29044/06 .**

**EXT.P2:- COPY OF THE ORDER DT. 1.12.06 ISSUED BY 2ND RESPONDENT.**

**EXT.P3:- COPY OF THE ORDER NO.U3 34150/06 DT . 20.2.07 ISSUED BY 2ND RESPONDENT.**

**EXT.P4:- COPY OF THE JUDGMENT DT. 21.12.06 OF THIS HON'BLE COURT IN WPC. 34150/06.**

**EXT.P5:- COPY OF THE REPRESENTATION DT. 22.2.07 SUBMITTED BY PETITIONER TO IST RESPONDENT.**

**EXT.P6:- COPY OF THE ORDER NO.K4 1192/07 ESTT. DT. 12.11.07 ISSUED BY IST RESPONDENT.**

**EXT.P7:- COPY OF THE CERTIFICATE ISSUED BY ST.MARTIN'S HOSPITAL.**

**EXT.P8:- COPY OF THE CERTIFICATE ISSUED BY DISTRICT HOSPITAL, MANANTHAVADY.**

**EXT.P9:- COPY OF THE ORDER NO.B/998/07 DT. 28.11.07 ISSUED BY ASSISTANT PROJECT OFFICER, REGIONAL A I CENTER, MEENANGADI.**

**EXT.P10:- COPY OF THE PROCEEDINGS DT. 28.11.07 SIGNED BY BOTH PETITIONER AND SRI.V.M.ASIF IQBAL, LIVE STOCK INSPECTOR.**

**RESPONDENTS EXHIBITS**

**EXT.R3(a):- COPY OF THE TRANSFER ORDER DT. 3.11.06 TO AMBALAVAYAL.**

**EXT.R3(b):- COPY OF THE ORDER ISSUED BY THE DISTRICT OFFICER ON 1.12.06.**

**EXT.R3(c):- COPY OF THE ORDER NO.K4.1192/07/EST. DT. 12.11.07.**

**EXT.R3(d):- COPY OF THE ORDER DT. 23.11.07.**

**EXT.R3(e):- COPY OF THE JOINING REPORT DT. 23.11.07.**

**EXT.R3(f):- COPY OF THE POSTING ORDER DT. 23.11.07.**

**EXT.R3(g):- COPY OF THE ATTENDANCE REGISTER MAINTAINED IN THE ICDP SUB CENTER, AMBALAVAYAL.**

**EXT.R3(h):- COPY OF THE ORDER DT. 27.11.07.**

**EXT.R3(i):- COPY OF THE FIR REGISTERED THE AMBALAVAYAL POLICE STATION.**

**V.GIRI,J.**

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**W.P ( C) Nos. 34617 and 35853 of 2007**  
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**Dated this the 7<sup>th</sup> December, 2007**

**J U D G M E N T**

The dispute involved in both these cases are same and therefore they have been heard together and are disposed of by a common judgment.

2. The disposal of W.P (C) No.34617 of 2007 will govern the dispute between the parties in W.P (C) No.35857 of 2007 as well. The petitioner in W. P (C) No.34617 of 2007 is an Assistant Field Engineer in the Intensive Cattle Development project. The writ petition makes a reference to certain earlier proceedings by which the petitioner was transferred from Ambalavayal to Karachal and then sent back to Ambalavayal. Reference is also made to Exhibit-P1 judgment of this Court passed on an earlier occasion. Ultimately by Exhibit-P4 judgment, the 3<sup>rd</sup> respondent's claim was directed to be considered. Petitioner filed a representation before the Director placing her version. Exhibit-P6 order was then passed by the Director on 12.11.2007. The following aspects were noted by the Director of Animal Husbandry.

“1. The petitioner was subjected to frequent transfers during the span of two years.

2. The petitioner being a Woman employee deserves more consideration for being posted at a station, which is more accessible to her.”

3. On the said premise, the 3<sup>rd</sup> respondent was therefore transferred from Thomattuchal to the ICDP Sub Centre, Ambalavayal. The petitioner was transferred from the ICDP Sub Centre, Ambalavayal to Veterinary Dispensary at Thomattucahal. It is in this background, this writ petition has been filed challenging Exhibit-P6.

4. The writ petition was moved on 22.11.2007 and on 23.11.2007 this Court ordered status quo as on 23.11.2007 to be maintained. Subsequently, the 3<sup>rd</sup> respondent entered appearance and filed a counter. Transfer effected under Exhibit-P6 was already given effect to, according to her. Nevertheless, construing the order of status quo erroneously, she was sent back to Veterinary Dispensary at Thomattuchal by orders dated 27.11.2007 and 28.11.2007 produced as Exhibits R3 (h) and Exhibit-P10. R3 (h) has been challenged by the 3<sup>rd</sup> respondent in writ petition, W.P. No.35835 of 2007. In my view, the only question to be looked into is whether Exhibit-P6 order requires

to be interfered with. I take take note of the fact that the transfer ordered under Exhibit-P6 requires the parties to be stationed at Ambalavayal itself. Thus, in normal circumstances, the order does not warrant any interference. But I note that Exhibit P6 came to be passed by the Director pursuant to the direction issued by this Court in Exhibit-P4 judgment. In such circumstances, it would have been appropriate for the Director to hear the petitioner also before passing such orders. This is more so because the petitioner had already filed Exhibit-P4 before the Director. In a sense, there is violation of the principles of natural justice. For all these, I am of the view that the matter requires to be reconsidered by the Director. Exhibit-P6 is therefore set aside on the short ground that it was issued before hearing the petitioner. First respondent shall pass fresh orders as per the direction issued in Exhibit-P4 judgment, after hearing the petitioner as also the 3<sup>rd</sup> respondent. Such orders shall necessarily be passed, without further delay and at any rate before 31.12.2007.

5. In the circumstances, status quo which prevailed on the date of Exhibit-P6 shall continue until fresh orders are

passed in the manner indicated above. The subsequent postings of the petitioner and 3<sup>rd</sup> respondent shall be as per the orders to be passed by the Director. I make it clear that I have not expressed any opinion on the merits of the rival contentions of the parties.

In the light of the directions issued above, no further orders are necessary in W.P ( C ) No.34617/2007 and the same is therefore, closed.

**(V.GIRI, JUDGE)**

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**K.THANKAPPAN,J**

**CRL.A. NO.92 OF 1999**

**ORDER**

**25<sup>th</sup> May, 2007**